

ESTTA Tracking number: **ESTTA542671**

Filing date: **06/10/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209565
Party	Defendant BioMed Realty Trust, Inc.
Correspondence Address	JOHN L SLAFSKY WILSON SONSINI GOODRICH & ROSATI 650 PAGE MILL ROAD PALO ALTO, CA 94304-1050 UNITED STATES jslafsky@wsgr.com, trademarks@wsgr.com
Submission	Answer
Filer's Name	John L. Slafsky
Filer's e-mail	jslafsky@wsgr.com, trademarks@wsgr.com
Signature	/John L. Slafsky/
Date	06/10/2013
Attachments	Applicant's Answer to Notice of Opposition.pdf(100153 bytes )



6. Applicant admits the allegations in Paragraph 6 of the Notice of Opposition.
7. Applicant denies the allegations of Paragraph 7 of the Notice of Opposition.
8. Applicant denies the allegations of Paragraph 8 of the Notice of Opposition.

#### AFFIRMATIVE DEFENSES

##### First Affirmative Defense

9. The Notice of Opposition fails to set forth facts sufficient to entitle Opposer to the relief sought.

##### Second Affirmative Defense

10. Notice of Opposition is barred by the doctrine of laches.

##### Third Affirmative Defense

11. The Notice of Opposition is barred by the doctrine of waiver.

##### Fourth Affirmative Defense

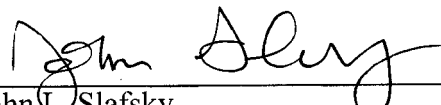
12. The Notice of Opposition is barred by the doctrine of acquiescence.

##### Fifth Affirmative Defense

13. The Notice of Opposition is barred by the doctrine of estoppel.

Dated: June 10, 2013

WILSON SONSINI GOODRICH & ROSATI  
A Professional Corporation

By:   
John L. Slafsky

Attorneys for Applicant

Please address all communications concerning this proceeding to:

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**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Maya L. Tarr  
Cowan, Liebowitz & Latman, P.C.  
1133 Avenue of the Americas  
New York, NY 10036-6799

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on June 10, 2013.

  
Elvira Minjarez